CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD COMPANY *v.* STATE OF WISCONSIN.

ERROR TO THE SUPREME COURT OF THE STATE OF WISCONSIN.

No. 177. Argued March 8, 1915.—Decided June 21, 1915.

A State cannot authorize an individual to take salable property from another without pay—it amounts to deprivation of property without due process of law.

An owner's right to his property is protected even though he may not be actually using it, and the State cannot, under the due process clause of the Fourteenth Amendment, compel an owner of property to allow a third party to have free use thereof until such time as a buyer appears.

A state statute that does not purport to be a health measure cannot be sustained as such.

A state statute which is not a reasonable exercise of the police power